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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
VICTOR CALLENDER,  
  
PLAINTIFF,  
  
-against- Case No.:  
15-CV-05813(AKH)  
  
FORSTER & GARBUS, LLP et ano.,  
  
DEFENDANT.  
-----X

DATE: October 24, 2016  
TIME: 3:11 p.m.

DEPOSITION of a Non-Party, RONALD J.  
FERRARO, taken by the Plaintiff, pursuant to  
a Subpoena and to the Federal Rules of Civil  
Procedure, held at The Law Office of Ahmad  
Keshavarz, 16 Court Street, 26th Floor,  
Brooklyn, New York 11241, before Anna  
Vortsman, a Notary Public of the State of  
New York.

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A P P E A R A N C E S:

THE LAW OFFICE OF AHMAD KESHAVARZ  
Attorney for the Plaintiff  
VICTOR CALLENDER  
16 Court Street, 26th Floor  
Brooklyn, New York 11241  
BY: AHMAD KESHAVARZ, ESQ.

RIVKIN RADLER LLP  
Attorneys for the Defendants  
FORSTER & GARBUS, LLP et ano.  
926 RXR Plaza  
Uniondale, New York 11556  
BY: MATTHEW T. FEINMAN, ESQ.

ALSO PRESENT:

JESSICA MOODY

\* \* \*

1

## 2 F E D E R A L S T I P U L A T I O N S

3

4 IT IS HEREBY STIPULATED AND AGREED by  
5 and between the counsel for the respective  
6 parties herein that the sealing, filing and  
7 certification of the within deposition be  
8 waived; that the original of the deposition  
9 may be signed and sworn to by the witness  
10 before anyone authorized to administer an  
11 oath, with the same effect as if signed  
12 before a Judge of the Court; that an  
13 unsigned copy of the deposition may be used  
14 with the same force and effect as if signed  
15 by the witness, 30 days after service of the  
16 original & 1 copy of same upon counsel for  
17 the witness.

18

19 IT IS FURTHER STIPULATED AND AGREED  
20 that all objections except as to form, are  
21 reserved to the time of trial.

22

23 \* \* \* \*

24

25

1 R.J. FERRARO

2 R O N A L D J. F E R R A R O, called as a  
3 witness, having been first duly sworn by a  
4 Notary Public of the State of New York, was  
5 examined and testified as follows:

6 THE REPORTER: Please state your  
7 name for the record.

8 THE WITNESS: Ronald J. Ferraro.

9 THE REPORTER: What is your  
10 address?

11 THE WITNESS: 103 Franklin Street,  
12 2nd Floor, Elmont, New York 11003.

13 EXAMINATION BY

14 MR. KESHAVARZ:

15 Q. Ferraro?

16 A. Yep.

17 Q. Thank you, Mr. Ferraro, for being  
18 here.

19 A. Sure.

20 Q. In preparation for your deposition  
21 today, have you spoken with anyone?

22 A. Just my attorneys.

23 Q. And who are your attorneys?

24 A. Rivkin Radler.

25 Q. Anyone else?

1 R.J. FERRARO

2 A. Nope.

3 Q. Who at Rivkin Radler?

4 A. Mr. Feinman.

5 Q. Anyone else?

6 A. Ms. Lastorino.

7 Q. Anyone else?

8 A. Nope.

9 Q. Did you retain Rivkin Radler?

10 A. I didn't.

11 Q. To your knowledge, has anyone  
12 retained Rivkin Radler for you?

13 MR. FEINMAN: Let's be careful  
14 about privilege here.

15 MR. KESHAVERZ: No. That's not  
16 the question.

17 Q. The question is: You said you  
18 have not retained Rivkin Radler to represent  
19 you for this deposition. You have not or  
20 you have?

21 A. I have not.

22 Q. So has anyone, to your knowledge,  
23 retained Rivkin and Radler to represent you  
24 at this deposition?

25 A. I'm assuming.

1 R.J. FERRARO

2 MR. FEINMAN: I just want to make  
3 sure he's understanding the question.

4 THE WITNESS: Right.

5 Q. I apologize in advance. I'm going  
6 to cough a bit today.

7 A. It's okay.

8 Q. And I apologize for that.

9 Maybe we can take one step at a  
10 time.

11 (Whereupon, the subpoena was  
12 marked as Plaintiff's Exhibit 1 for  
13 identification as of this date by the  
14 Reporter.)

15 BY MR. KESHA VARZ:

16 Q. A few ground rules for a  
17 deposition: Have you ever had your  
18 deposition taken before, sir?

19 A. Nope.

20 Q. Have you ever deposed anyone  
21 before?

22 A. No.

23 Q. If I ask you a question that you  
24 don't understand, will you please ask me to  
25 rephrase it?

1 R.J. FERRARO

2 A. Okay.

3 Q. If I ask you a question and you  
4 don't ask me to rephrase it, is it  
5 reasonable for me to assume that you  
6 understood the question?

7 A. I think it's fair.

8 Q. During the course of the  
9 deposition, opposing counsel might make an  
10 objection as to form, but unless you're  
11 instructed otherwise, you're still to answer  
12 the question.

13 Do you understand that?

14 A. Yep.

15 Q. Let me show you what's been marked  
16 as Plaintiff's Exhibit 1. Is this the  
17 subpoena by which you're attending today's  
18 deposition?

19 A. Yes.

20 Q. Did you review a copy of this  
21 deposition subpoena prior to your deposition  
22 today?

23 A. I probably looked at it the night  
24 that I got it and that was it.

25 Q. If you will go to the last page,

1 R.J. FERRARO

2 and let me know when you're there.

3 You see the list of documents to  
4 produce for your deposition?

5 A. Yes.

6 Q. Have you brought any documents  
7 responsive to these requests to the  
8 deposition?

9 A. No.

10 Q. Why not?

11 A. Don't have any of the documents in  
12 my possession.

13 Q. You don't have any documents in  
14 your possession, custody, or control  
15 regarding the lawsuit by Discover Bank  
16 against Mr. Callender?

17 A. I just have a copy of the subpoena  
18 with me. That's it.

19 Q. Do you have any other documents in  
20 your possession, custody, or control at any  
21 location regarding the Discover lawsuit  
22 against Mr. Callender?

23 A. No.

24 Q. Do you have any written documents  
25 reflecting communications between yourself



1 R.J. FERRARO

2 and Forster & Garbus regarding the Plaintiff  
3 or the lawsuit -- or this lawsuit?

4 A. No.

5 Q. Any documents with Forster &  
6 Garbus regarding your deposition today?

7 A. No.

8 Q. Any documents with -- without  
9 telling me what they are, do you have any  
10 documents with Rivkin and Radler regarding  
11 your deposition today?

12 A. No.

13 Q. No e-mails?

14 A. No e-mails.

15 Q. Did you sign a retainer agreement  
16 with Rivkin and Radler?

17 A. No.

18 Q. Do you have any documents  
19 reflecting an attorney-client relationship  
20 with Rivkin and Radler?

21 MR. FEINMAN: I'm going to object.

22 MR. KESHAVERZ: Okay. You can  
23 answer.

24 A. Can you repeat the question?

25 MR. KESHAVERZ: Sure. Can you

1 R.J. FERRARO

2 re-read the question?

3 (Whereupon, the referred-to  
4 question was read back by the  
5 Reporter.)

6 THE WITNESS: No, I don't have any  
7 documents in my possession.

8 BY MR. KESHAVARZ:

9 Q. Possession, custody, or control at  
10 any location?

11 A. Nothing.

12 Q. Have you e-mailed anyone regarding  
13 your deposition today?

14 A. Yes.

15 Q. Who?

16 MR. FEINMAN: To the extent that  
17 includes counsel.

18 Q. Well, you can identify who. Don't  
19 tell me the contents. If it is to counsel,  
20 you can identify them.

21 Who have you e-mailed regarding  
22 your deposition testimony today?

23 A. Mr. Feinman. I know there are  
24 e-mails there.

25 Q. Mr. Feinman, and what was the last

1 R.J. FERRARO

2 thing?

3 A. I said, I'm pretty sure there are  
4 e-mails there between myself and him.

5 Q. Have you e-mailed with anyone else  
6 regarding your deposition testimony today?

7 A. Ms. Lastorino, I believe.

8 Q. Anyone else?

9 A. No.

10 Q. How many e-mails have you  
11 exchanged with Mr. Feinman or Ms. Lastorino  
12 regarding your deposition today?

13 A. I don't know.

14 Q. More than one?

15 A. I don't want to take a guess.

16 Q. Well, do you know if it's more  
17 than one?

18 A. It could be. I don't remember.

19 Q. When was that e-mail?

20 A. I believe Mr. Feinman sent me an  
21 e-mail earlier today giving me the address.

22 MR. FEINMAN: To the extent you're  
23 trying --

24 MR. KESHAVARZ: All I asked is  
25 when. My only question was when.

1 R.J. FERRARO

2 MR. FEINMAN: So if you could --

3 THE WITNESS: Earlier today.

4 BY MR. KESHAVARZ:

5 Q. Were there any other e-mails other  
6 than the e-mail earlier today with  
7 Mr. Feinman?

8 A. Probably. I just can't quantify  
9 it.

10 Q. So there were other e-mails, but  
11 you don't remember how many?

12 A. Correct.

13 Q. What is your understanding of the  
14 nature of this federal lawsuit, Victor  
15 Callender versus Forster & Garbus?

16 MR. FEINMAN: Objection to form.

17 A. It's -- to my understanding, there  
18 is a lawsuit from Mr. Callender against my  
19 old firm.

20 Q. And what's your understanding, if  
21 any, regarding the allegations in the  
22 federal lawsuit?

23 A. I don't have any knowledge as to  
24 the exact nature of the lawsuit.

25 Q. Generally speaking, what is your

1 R.J. FERRARO

2 understanding about what this federal  
3 lawsuit is about?

4 MR. FEINMAN: Objection to form.

5 A. My guess would be an FDCPA  
6 lawsuit.

7 Q. Anything else?

8 A. No.

9 Q. What's your understanding about  
10 what the claims in the FDCPA lawsuit are?

11 MR. FEINMAN: Objection.

12 A. That, I don't know.

13 Q. Do you know of -- what your  
14 involvement was in relation to the  
15 allegations in the federal lawsuit?

16 MR. FEINMAN: Objection to form.

17 A. No.

18 Q. Do you know why you're here today?

19 MR. FEINMAN: Objection to form.

20 A. My guess is only that because I'm  
21 no longer with the firm, there is an idea as  
22 to I might have some information that could  
23 help.

24 Q. What information do you have that  
25 you believe might help?

1 R.J. FERRARO

2 MR. FEINMAN: Objection to form.

3 A. I don't know.

4 Q. What is your full legal name?

5 A. Ronald James Ferraro.

6 Q. Have you ever been known by any  
7 name other than Ronald James Ferraro?

8 A. I usually just use my initial for  
9 my middle name. That's it. So it would be  
10 Ronald J. Ferraro.

11 Q. How long have you been an  
12 attorney, sir?

13 A. I was admitted January 2011.

14 Q. In what --

15 A. In New York. And New Jersey,  
16 November 2012.

17 Q. Where did you go to school?

18 A. Penn State.

19 Q. What did you do after you  
20 graduated law school?

21 A. With regard to what?

22 Q. For work.

23 A. After taking the bar, I went to  
24 work for a restaurant, pizzeria.

25 Q. What about after that?

1 R.J. FERRARO

2 A. I worked for that place for about  
3 a year. And I worked as a paralegal for a  
4 Dennis Biancanello.

5 Q. Say it again.

6 A. Biancanello. His first name is  
7 Dennis; last name, B as in  
8 "boy"-I-A-N-C-A-N-E-L-L-O.

9 Q. When was that, approximately?

10 A. I worked for him as a paralegal  
11 full-time from about August 2010 through  
12 August 2011.

13 Q. And what did you do there?

14 A. So until I got admitted, I was  
15 working as a full-time paralegal, doing  
16 basic paralegal, clerical stuff, answering  
17 phones. From there, after that, in  
18 January 2011, after I was sworn in, I worked  
19 as an attorney.

20 Q. Where?

21 A. For him.

22 Q. Does he do debt collection work?

23 A. I know he had a book of business.  
24 I don't know if he still does it. That was  
25 per diem appearances, and it could range

1 R.J. FERRARO

2 from personal injury stuff to, perhaps, it  
3 could be some debt collection stuff.

4 Q. Would you be the per diem attorney  
5 for his firm?

6 A. He usually made most of the  
7 appearances, but I did make some.

8 Q. Tell a jury what a per diem  
9 attorney is.

10 MR. FEINMAN: I'm going to object  
11 to the form of the question there.

12 MR. KESHAVERZ: You can answer the  
13 question.

14 A. Per diem attorney is an attorney  
15 that gets hired to make one appearance or  
16 for a particular situation, if the named  
17 attorney can't appear.

18 Q. What did you do after that?

19 A. I then began, in August of 2011,  
20 working for Forster & Garbus.

21 Q. And how long did you work there  
22 until?

23 A. Until April of this year, 2016.

24 Q. Is there any particular reason why  
25 you left Forster & Garbus in April 2016?



1 R.J. FERRARO

2 A. Yeah. I had a better job  
3 opportunity elsewhere.

4 Q. Where did you go?

5 A. I went to work as a law clerk for  
6 a judge.

7 Q. Which judge?

8 A. Judge Diamond.

9 Q. And where is Judge Diamond a judge  
10 at?

11 A. Nassau County Supreme Court.

12 Q. How do you like it?

13 A. Good.

14 Q. What was your title while you were  
15 working at Forster & Garbus?

16 A. Associate.

17 Q. Has your title changed from when  
18 you began in 2011 to when you left in 2016?

19 A. No.

20 Q. Did your workload change in any  
21 significant way between that period?

22 MR. FEINMAN: Objection to form.

23 A. I don't understand what you mean  
24 by "workload."

25 (Whereupon, the following document

1 R.J. FERRARO

2 was marked as Plaintiff's Exhibit 2 for  
3 identification as of this date by the  
4 Reporter.)

5 BY MR. KESHAVARZ:

6 Q. Mr. Ferraro, is this your copy of  
7 your LinkedIn page?

8 A. I can't authenticate it, because  
9 it's not -- I didn't print it out. So I  
10 don't know if there has been any changes  
11 here, but it does look substantially similar  
12 to what I have on my LinkedIn page.

13 Q. Okay. Please review the document  
14 and let me know when you're done.

15 A. Okay.

16 Q. Are all the statements in  
17 Exhibit 2 true?

18 A. Again, I can't authenticate the  
19 document, but it does look substantially  
20 similar to what I had on my LinkedIn  
21 profile.

22 Q. My question is: You've read  
23 Exhibit 2, correct?

24 A. Yeah.

25 Q. Are the contents in Exhibit 2

1 R.J. FERRARO

2 true?

3 A. Again, I can't authenticate what's  
4 in here.

5 Q. We can take one line at a time, if  
6 you'd like.

7 It says you're a principal as a  
8 law clerk to the Honorable Arthur M.  
9 Diamond; is that correct?

10 A. Yes.

11 Q. Is that statement true?

12 A. Yes.

13 Q. It says below that you were an  
14 associate attorney at Forster & Garbus LLP.  
15 Is that statement true?

16 A. Yes.

17 Q. It says that you worked at Forster  
18 & Garbus from August '11 to April of 2016.  
19 Is that statement true?

20 A. Yes.

21 Q. Okay. Read all of the sentences  
22 to yourself below that and through the next  
23 page, and let me know when you're done.

24 A. Okay.

25 Q. Are all the statements beneath

1 R.J. FERRARO

2 where it says "associate attorney" -- are  
3 all the statements on the bottom of page 1  
4 true?

5 A. Yes.

6 Q. Go to the next page, page 2, under  
7 "associate attorney," are all the statements  
8 underneath that true?

9 A. Yep.

10 Q. Did you review the deposition  
11 testimony of Joe Leiderman prior to your  
12 testimony today?

13 A. No.

14 Q. Do you have any knowledge of the  
15 contents of the deposition testimony of Joe  
16 Leiderman?

17 A. No.

18 Q. Tell me what you did at Forster &  
19 Garbus.

20 A. Didn't we just go over that?

21 Q. What were your hours at Forster &  
22 Garbus?

23 A. They varied.

24 Q. What were your typical hours at  
25 Forster & Garbus?

1 R.J. FERRARO

2 A. I mean, I was full-time.

3 Q. Yes. So, typically, what were  
4 your hours, 9:00 to 5:00?

5 MR. FEINMAN: Objection to form.

6 A. No.

7 Q. Typically, what were your hours at  
8 Forster & Garbus? It's a simple question.

9 MR. FEINMAN: Objection to form.

10 A. It depended on the day and the  
11 week.

12 Q. What were your typical hours at  
13 Forster & Garbus?

14 MR. FEINMAN: Objection.

15 A. On any given week, I would work  
16 between 50 and 65 hours.

17 Q. Would that be your normal range of  
18 hours?

19 A. On any given week, yeah.

20 Q. You worked weekends or only  
21 weekdays?

22 A. Sometimes weekends.

23 Q. Tell me about what work you did to  
24 manage a caseload for matters throughout New  
25 York State Supreme Court and district courts

1 R.J. FERRARO

2 varying between 700 and 1400 matters at any  
3 given time, from inception to trial. That's  
4 what your web --

5 MR. FEINMAN: Objection to the  
6 form of the question.

7 A. And that's not what it says.

8 Q. Will you read the line "managing  
9 caseload." Read that on the record, please.

10 A. "Manage caseload for matters  
11 throughout New York State Supreme, City, and  
12 District Courts, varying between 700 and  
13 1400 matters at any given time, from  
14 inception through trial."

15 Q. And what do you mean by that?

16 A. I had a responsibility as far as  
17 not only whatever cases I was assigned to  
18 manage from a paper standpoint, but also  
19 making court appearances regularly.

20 Q. Do you mean anything else by that?

21 MR. FEINMAN: Objection to the  
22 form of the question.

23 A. I don't recall when exactly I put  
24 this together, but -- I don't know what  
25 other explanation you're looking for.

1 R.J. FERRARO

2 Q. Well, let me just put this in lay  
3 terms.

4 A. Please.

5 Q. What were your major  
6 responsibilities at Forster & Garbus?

7 A. Daily court appearances, handling  
8 trials.

9 Q. Did you have any other main  
10 responsibilities at Forster & Garbus, other  
11 than to have daily court appearances and  
12 handling trials?

13 MR. FEINMAN: Objection.

14 A. Yeah. Some of the other  
15 responsibilities included having whatever  
16 cases were assigned to my venue, reviewing  
17 whatever paperwork came in on those cases.

18 Q. Any other major responsibilities  
19 at Forster & Garbus?

20 MR. FEINMAN: Objection to the  
21 form of the question.

22 A. Not that I can recall.

23 Q. Tell me what you mean by "daily  
24 court appearances."

25 MR. FEINMAN: Objection to the

1 R.J. FERRARO

2 form of the question.

3 A. So whenever -- obviously, I think  
4 you understand what it means when a case is  
5 put on a calendar for a pretrial conference,  
6 conferences. Cases get adjourned three,  
7 four, five times. So someone needs to go  
8 appear on behalf of the firm to answer on  
9 those cases and discuss maybe a possible  
10 resolution, or if there is any motion  
11 practice going on, discuss those issues.

12 My responsibility was to go and  
13 make those appearances on behalf of the  
14 firm.

15 Q. In which counties?

16 A. Do you need to know all the  
17 counties I've appeared in?

18 Q. Well, typically speaking, you said  
19 later on about certain venues. Were there  
20 any particular courts that you would do your  
21 appearances in more than others?

22 A. Yes.

23 Q. Where would you primarily do your  
24 appearances?

25 MR. FEINMAN: Objection to the



1 R.J. FERRARO

2 form of the question.

3 A. It depends on the time period  
4 we're discussing.

5 Q. Well, let me ask you this: Did  
6 your work change significantly during the  
7 time period while you were there, from 2011  
8 to 2016?

9 A. I don't think my work changed  
10 significantly. I think I was given maybe  
11 more complicated matters to handle or more  
12 difficult cases.

13 Q. In what way?

14 A. Well, instead of, perhaps, dealing  
15 with a pro se, it'd be a two-attorney  
16 matter.

17 Q. Would that be the main difference  
18 in your workload while you were at Forster &  
19 Garbus?

20 A. I don't understand the question,  
21 really. Could you rephrase?

22 Q. Sure. Well, I was just trying to  
23 ask -- you started saying the courts you  
24 would go to changed to some extent during  
25 your time at Forster & Garbus --

1 R.J. FERRARO

2 MR. FEINMAN: Objection to the  
3 form.

4 Q. -- is that correct?

5 A. There was, when I first started,  
6 more cases on a day-to-day basis. By the  
7 time I left, it's a matter of efficiency.  
8 It seemed as if the calendars, there were  
9 less adjournments.

10 Q. So what did that do for your work?

11 A. Didn't feel like much.

12 Q. Would you go to do court  
13 appearances every day?

14 A. Yes. The only days that I didn't  
15 make court appearances, I think I called out  
16 sick once when I was there and there was a  
17 court holiday, something like that.

18 Q. You timed your sickness very well.

19 So when did you travel to go to  
20 court? When did you come back?

21 What were your hours in court, I  
22 guess, generally speaking?

23 A. It also depends on the venue.

24 Q. Primarily, what venues were you  
25 in? You said it changed to some extent. In

1 R.J. FERRARO

2 what way?

3 A. When I was first hired, I was  
4 hired to go to Queens. And there were two  
5 attorneys assigned to go to Queens at that  
6 time, and I was going to be the third.

7 By the time I started there, they  
8 asked if I'd go to the Bronx once or twice a  
9 week. So I did that. But because I did the  
10 trials, I was also considered a -- I guess  
11 you would say a floater. I didn't have  
12 cases just in one venue.

13 Q. You'd do other cases around New  
14 York City?

15 A. Yes.

16 Q. And primarily in the five  
17 boroughs?

18 A. I've done -- yes. At one point or  
19 another, yes.

20 Q. So your court appearances would be  
21 how you spent most of your days?

22 A. Yeah. They would monopolize the  
23 morning.

24 Q. And what would you do in the  
25 afternoon?

1 R.J. FERRARO

2 A. Whenever I would get back to the  
3 office, I'd put in my notes from the day,  
4 prepare myself for the next day's  
5 appearances, respond to any phone calls,  
6 typical attorney stuff.

7 Q. And that was pretty much your  
8 typical day?

9 A. Yes.

10 Q. You said for your cases work  
11 received papers -- excuse me. You said,  
12 "Cases work reviewing papers." What did you  
13 mean by that? Maybe I'm misstating your  
14 testimony, in which case I don't mean to.  
15 Well, strike that. I think you just  
16 answered the question.

17 So you're saying that what you  
18 did, typically, at Forster & Garbus is that  
19 you made court appearances, you came back,  
20 you typed up what happened in court, and  
21 then you got prepared for the next day's  
22 hearings or trials. Is that --

23 MR. FEINMAN: Objection to form.

24 Q. Is that an accurate summary of  
25 your basic responsibilities at Forster &

1 R.J. FERRARO

2 Garbus?

3 A. Yes.

4 Q. Did you sign income executions  
5 while you were at Forster & Garbus?

6 A. Yes.

7 Q. Did you file -- sign information  
8 subpoenas?

9 A. I don't remember.

10 Q. But you do remember signing wage  
11 garnishments, right?

12 A. Income executions, yeah.

13 Q. Income executions. Thank you.

14 Would you sign any other documents  
15 attempting to collect on judgments, or was  
16 that primarily your income executions?

17 A. I'm going to ask you to rephrase.

18 Q. Sure. I mean, one way you can  
19 collect on a judgment is just to sign an  
20 information subpoena and bank restraint,  
21 correct?

22 MR. FEINMAN: Objection to form.

23 MR. KESHAVARZ: You can answer.

24 A. I mean, I think your question is  
25 too broad as to how to collect on it.

1 R.J. FERRARO

2 You're asking how to collect on a debt or  
3 how to collect on a judgment?

4 Q. I'm just trying to get an idea  
5 about -- you talked about your work during  
6 the day and preparing for the next day's  
7 hearing, right? You talked about that.

8 I'm just trying to figure out what  
9 involvement, if any, you had in terms of  
10 collecting on judgments.

11 MR. FEINMAN: Objection to form.

12 Q. Well, let me just ask you that.  
13 What involvement, if any, did you have on  
14 the collection of judgments?

15 A. I think it would depend on the  
16 case.

17 Q. Generally speaking, what would you  
18 do to collect on judgments? Would that be a  
19 significant part of your responsibility at  
20 Forster & Garbus?

21 MR. FEINMAN: Objection to form.

22 A. Again, I think it was a  
23 case-by-case basis.

24 (Whereupon, the following document  
25 was marked as Plaintiff's Exhibit 3 for

1 R.J. FERRARO

2 identification as of this date by the  
3 Reporter.)

4 BY MR. KESHAVARZ:

5 Q. I'm showing you what's been marked  
6 as Plaintiff's Exhibit 3. Are you able to  
7 identify what that document is?

8 A. This appears to be an income  
9 execution from our office.

10 Q. And is that your signature on the  
11 bottom, on the first page?

12 A. Yes.

13 Q. It says your name and it says the  
14 name of Olivia DeBellis next to you; is that  
15 correct?

16 A. Mm-hmm.

17 Q. You have to say "yes" or "no" for  
18 the court reporter.

19 A. That's right.

20 Q. And were you and Ms. DeBellis the  
21 persons who would primarily be responsible  
22 for signing income executions in 2014 --

23 MR. FEINMAN: Objection to form.

24 Q. -- the date of this subpoena?

25 A. It always changed who was the

1 R.J. FERRARO

2 person that had to sign them. At this time,  
3 when this was printed, it was either myself  
4 was the primary and she would've been the  
5 secondary on this date.

6 Q. You said the people who signed the  
7 income executions changed. Would there be,  
8 generally, one or two people at any  
9 particular time who would sign the income  
10 executions?

11 MR. FEINMAN: Objection to form.

12 A. Yes.

13 Q. What about bank restraints; would  
14 there generally be one or two people who  
15 would sign the bank restraints?

16 A. Yes.

17 Q. Would the people who signed the  
18 income executions, generally, be the same  
19 people who signed the bank restraints?

20 MR. FEINMAN: Objection to form.

21 A. Sometimes.

22 Q. You, typically, didn't sign the  
23 bank restraints, right?

24 A. Again, it depended on the time  
25 period we're talking about.



1 R.J. FERRARO

2 Q. In what way did it change over at  
3 the time?

4 MR. FEINMAN: Objection to form.

5 A. Well, for example, let's say I had  
6 a calendar in Manhattan on a particular  
7 morning with 20-something cases. Trial got  
8 adjourned to the afternoon, and the computer  
9 system generated it for that afternoon to be  
10 signed, and I wasn't going to get back to  
11 the office. Somebody else would sign them.

12 Q. So how would that work? You would  
13 come to the office and there would be a  
14 computer-generated income execution for you  
15 to sign; is that right?

16 A. Yes.

17 Q. And then you would sign it and you  
18 would give it to someone else in the office?

19 MR. FEINMAN: Objection to form.

20 A. I would give it back to the people  
21 who were responsible for mailing them out.

22 Q. Other than someone handing you the  
23 income execution for you to sign and then  
24 giving it to somebody else in the office,  
25 was that your only involvement in issuing

1 R.J. FERRARO

2 the income execution?

3 MR. FEINMAN: Objection to form.

4 A. At this point in time, most  
5 likely.

6 Q. And why do you say that?

7 A. Because after being there for a  
8 period of time and understanding the  
9 computer system better and the process  
10 better, I would understand that this is all  
11 that I needed to do at this point in time.

12 Q. What was all that you needed to do  
13 at this point in time?

14 A. Someone hands me the income  
15 execution that's generated by our computer  
16 system, I can sign it.

17 Q. And that's your only involvement  
18 in the process of garnishing someone's  
19 wages; is that right?

20 MR. FEINMAN: Objection to form.

21 A. At this point in time, yes.

22 Q. And "at this point in time," what  
23 do you mean?

24 A. In December 2014, as I indicated  
25 previously, I understood our computer

1 R.J. FERRARO

2 process and our checks and balances with the  
3 system. So at this point in time, there is  
4 no further review that would've been  
5 necessary, other than signing this.

6 Q. From 2011 through 2014, your only  
7 reviewing -- executing on someone's wages  
8 would be for someone to give you a completed  
9 income execution to sign? Is that accurate.

10 MR. FEINMAN: Objection to form.

11 A. I'm going to ask if you can repeat  
12 the question.

13 Q. Let me rephrase the question.

14 From when you started at Forster &  
15 Garbus, in 2011, through the date of the  
16 income execution that's Exhibit 3, December  
17 of 2014, are you saying that your only  
18 involvement in the garnishing of someone's  
19 wages would be for someone to give you a  
20 completed income execution for you to sign  
21 it and to return it? Is that accurate?

22 MR. FEINMAN: Objection to form.

23 A. I remember when I first started,  
24 like most -- I think it's very natural for  
25 most attorneys to ask questions, you know.

1 R.J. FERRARO

2 How am I getting this? Why am I being asked  
3 to sign this?

4 By this point in time, I  
5 understood the way our systems worked and  
6 had, you know, I guess, used our computer  
7 system long enough to know what it's capable  
8 of and what it's not capable of as well as,  
9 I guess, you could say, the people that I  
10 worked with, of what they're capable of and  
11 what they're not capable of.

12 Q. Let me just ask you if this is an  
13 accurate statement. Your role was just to  
14 sign the income executions that were handed  
15 for you to sign? Is that accurate?

16 MR. FEINMAN: Objection to form.

17 A. As I stated earlier, by this time,  
18 my involvement was just signing the income  
19 execution put before me.

20 Q. Did that role change after  
21 December of 2014?

22 A. Did it change as to my step in the  
23 process?

24 Q. Yes.

25 A. No.

1 R.J. FERRARO

2 Q. Did it change in any way, to your  
3 knowledge?

4 MR. FEINMAN: Objection to form.

5 A. Did my role change, to my  
6 knowledge? I don't believe it did.

7 Q. Let me ask you: Did the process  
8 that Forster & Garbus took prior to issuing  
9 an income execution, did it change at any  
10 point while you worked at Forster & Garbus?

11 MR. FEINMAN: Objection to form.

12 A. To my knowledge, our technology  
13 was getting better and our checks were more  
14 thorough.

15 Q. In what way?

16 A. Well, I guess, for example,  
17 instead of one person skiptracing or  
18 verifying information about a place of  
19 business, they would have two and a computer  
20 system that did its own independent, let's  
21 say, review.

22 Q. Independent review of what or for  
23 what?

24 A. To my understanding, there is  
25 additional technologies out there that could

1 R.J. FERRARO

2 verify, you know, people's locations, where  
3 they live, where they work. And it was, to  
4 my understanding, that we were updating and  
5 expanding on those checks to avoid any  
6 issues.

7 Q. Any issues of what?

8 A. You know, as we discussed before,  
9 what someone's name is. You asked me if I  
10 was known by any other names. Some people  
11 use their middle initial, some people don't.  
12 You could get a hit for how many John Smiths  
13 are out there.

14 Q. What you're talking about now, is  
15 that the major difference in the computer  
16 system that you mean over time?

17 A. From the time I started there to  
18 the time I left, I think they got much more  
19 efficient and much more -- they checked  
20 things over more and had more levels of  
21 review.

22 Q. And I'm just asking, by "more  
23 levels of review," you mean more levels of  
24 review to make sure it's the same person,  
25 that they're restraining the right bank,

1 R.J. FERRARO

2 that they're restraining the right employer?

3 Is that what you mean?

4 A. That the income execution contains  
5 the right information, from the name to the  
6 social to the judgment balance to the date  
7 it was entered, the judgment, all that  
8 information.

9 Q. To your knowledge, that's the only  
10 steps that were taken in terms of the  
11 improvements over the computer system while  
12 you worked there; is that right?

13 MR. FEINMAN: Objection to form.

14 A. Yes.

15 Q. The change in that computer method  
16 that you talked about, that's, to your  
17 knowledge, the only way that Forster &  
18 Garbus' policy changed in terms of executing  
19 on someone's wages? Is that accurate?

20 MR. FEINMAN: Objection to form.

21 A. I'm going to ask you to rephrase.  
22 I apologize.

23 Q. For the entire time you were  
24 there, was this change in the computer  
25 program the only change that was made at

1 R.J. FERRARO

2 Forster & Garbus in terms of executing on  
3 someone's income?

4 MR. FEINMAN: Objection to the  
5 form.

6 A. Personnel changed as well.

7 Q. Did that change the steps that  
8 were taken prior to restraining -- executing  
9 on someone's income?

10 MR. FEINMAN: Objection to the  
11 form.

12 A. As I indicated earlier, you had  
13 different levels of checking. So whereas,  
14 perhaps, in 2011, there might've been six  
15 steps; by 2016, there might've been eight.  
16 And a different person may be required to do  
17 each step.

18 Q. To your knowledge, did any of  
19 those steps involve checking e-Courts to see  
20 if the judgment had been vacated?

21 A. Never. Not to my knowledge.

22 Q. So Forster & Garbus never checked  
23 e-Courts to determine whether a judgment it  
24 was collecting on had been vacated; is that  
25 correct?



1 R.J. FERRARO

2 MR. FEINMAN: Objection to form.

3 A. It's common knowledge that there  
4 is not enough information available to an  
5 attorney on e-Courts, other than a court  
6 date; and even that is inaccurate depending  
7 on a venue. So if someone was tasked with  
8 checking e-Courts for information about a  
9 case, it's almost a fool's errand.

10 Q. Does anyone at Forster & Garbus  
11 check whether a judgment has been vacated  
12 prior to either issuing an income execution  
13 or a bank restraint?

14 MR. FEINMAN: Objection to form.

15 A. If we had knowledge of a judgment  
16 having been vacated, we would never get to  
17 the step of an income execution put on my  
18 desk.

19 Q. When you sign income executions,  
20 such as Exhibit 3, you're not involved in  
21 determining whether the judgment for the  
22 income execution you're signing has been  
23 vacated; is that correct?

24 MR. FEINMAN: Objection to the  
25 form.

1 R.J. FERRARO

2 A. Could you repeat the question? I  
3 was just going to ask to read it back. It's  
4 up to you.

5 Q. Let me just rephrase it.

6 Prior to Forster & Garbus signing  
7 income executions, including your signing of  
8 the income execution that's Exhibit 3,  
9 Forster & Garbus doesn't take any steps to  
10 determine whether the judgment had been  
11 vacated? Is that true?

12 MR. FEINMAN: Objection to the  
13 form.

14 A. There would be steps taken to  
15 verify that a judgment is valid, but there  
16 are certain things you can't account for.

17 Q. What steps, if any, did you take  
18 to determine whether a judgment has been  
19 vacated, prior to you signing an income  
20 execution?

21 MR. FEINMAN: Objection to form.

22 I want to note on the record, are we  
23 speaking about this?

24 Q. Did you treat Mr. Callender  
25 differently than you treated anyone else

1 R.J. FERRARO

2 whose wages you were garnishing?

3 A. Did I treat Mr. Callender any  
4 different than I treated anybody else at  
5 this point in time?

6 MR. FEINMAN: Objection to form.

7 A. That's the question?

8 Q. Yeah.

9 A. No.

10 Q. So when you sign income  
11 executions, to your knowledge, are there any  
12 steps that were taken by Forster & Garbus to  
13 determine whether a judgment had been  
14 vacated prior to your signing of an income  
15 execution?

16 MR. FEINMAN: Objection to the  
17 form.

18 A. Yes.

19 Q. What?

20 A. I wouldn't be able to point to  
21 anything in particular with this case, if  
22 that's what your question is.

23 Q. By "this case," you mean  
24 Mr. Callender, correct?

25 A. Correct.

1 R.J. FERRARO

2 Q. To your knowledge, when you were  
3 signing income executions, did Forster &  
4 Garbus do anything to determine whether the  
5 judgments that you were signing income  
6 executions on had been vacated?

7 MR. FEINMAN: Again, I'm not --  
8 are we talking about --

9 Q. If you don't understand the  
10 question, will you ask me to rephrase?

11 MR. FEINMAN: What I'm trying to  
12 do, as my role as the attorney, to just  
13 see where within the court's order this  
14 fits. So I'm not sure if you're asking  
15 about -- he is not here as a 30(b)(6)  
16 witness.

17 MR. KESHAVARZ: That's fine. I'm  
18 just asking what you know.

19 Q. So let me ask you this: To your  
20 knowledge, does Forster & Garbus take any  
21 steps to determine whether any of the  
22 judgments that they're asking you to sign  
23 income executions on were vacated?

24 A. Yes.

25 Q. To your personal knowledge, what

1 R.J. FERRARO

2 steps, if any, did Forster & Garbus do to  
3 determine whether the income executions that  
4 you were signing were for judgments that had  
5 not been vacated?

6 MR. FEINMAN: Put an objection.

7 MR. KESHAVERZ: Go ahead. You can  
8 answer.

9 A. You're asking what steps they took  
10 on any particular case or on this particular  
11 case?

12 Q. Well, you don't remember anything  
13 about Mr. Callender, specifically, do you?

14 A. No.

15 Q. You don't have any recollection of  
16 Mr. Callender's account, correct?

17 A. Correct.

18 Q. Because you sign thousands of  
19 income executions?

20 MR. FEINMAN: Objection to form,  
21 and there is a court order.

22 MR. KESHAVERZ: You can answer.

23 MR. FEINMAN: Well, he doesn't  
24 have to answer the portion of the  
25 number.

1 R.J. FERRARO

2 MR. KESHAVARZ: No. He testified  
3 to this already. You can answer the  
4 question.

5 MR. FEINMAN: I'm going to object,  
6 again. He testified to which portion  
7 of that?

8 MR. KESHAVARZ: You can answer the  
9 question.

10 THE WITNESS: Which question am I  
11 answering?

12 MR. KESHAVARZ: Can you read the  
13 question?

14 (Whereupon, the referred-to  
15 question was read back by the  
16 Reporter.)

17 THE WITNESS: Are you asking if I  
18 signed thousands on December 3rd of  
19 2014, or have I signed thousands over  
20 the course of August 2011 through  
21 April 2016?

22 BY MR. KESHAVARZ:

23 Q. Take one at a time.

24 MR. FEINMAN: I'm going to object.  
25 The number of income executions has

1 R.J. FERRARO

2 been already addressed by the Court as  
3 the number of income executions are --

4 MR. KESHAVARZ: That's not  
5 accurate. You objected to the form of  
6 the question. That preserves your  
7 objection.

8 MR. FEINMAN: Sure.

9 MR. KESHAVARZ: So if you're  
10 correct, then there will be a  
11 determination whether the testimony can  
12 be used or can't be used.

13 MR. FEINMAN: What I was trying,  
14 before instructing the witness not to  
15 answer, to navigate this, just to put  
16 my objection, too. Maybe there is a  
17 way to ask the question that I will  
18 allow -- that I'll allow the question  
19 as opposed to instructing him not to  
20 answer it in light of the Court's  
21 order.

22 Q. Well, you asked if by signing  
23 thousands of income executions -- let me  
24 ask: Do you know how many income executions  
25 you sign on a regular basis?

1 R.J. FERRARO

2 MR. FEINMAN: Objection. It goes  
3 to the heart of what I'm saying. The  
4 Court's order -- the Court has already  
5 ordered: The number of income  
6 executions are not an issue in this  
7 litigation.

8 BY MR. KESHAVERZ:

9 Q. How much time would you spend  
10 signing income executions?

11 A. On this particular date or over  
12 the course of my employment there?

13 Q. While you sign income  
14 executions -- well, strike that. He already  
15 testified to what the answer is.

16 Let me ask you this: Do you have  
17 any personal knowledge of what steps that  
18 Forster & Garbus took to determine whether a  
19 judgment they were asking you to sign an  
20 income execution for was vacated? Do you  
21 have any personal knowledge?

22 A. For any particular case, no.

23 Q. What do you mean "for any  
24 particular case"?

25 A. Well, again, I'm not clear if



1 R.J. FERRARO

2 you're asking about Mr. Callender or if over  
3 the course of my five years, there was a  
4 case that, perhaps, there was a question  
5 that came up as to whether a judgment was  
6 valid or not.

7 Q. So you're saying, during the time  
8 that you were at Forster & Garbus, sometimes  
9 you would sign income executions and it came  
10 to light later that the judgment had been  
11 vacated? Is that what you're saying?

12 MR. FEINMAN: Objection to form.

13 A. Not to my knowledge, but I'll give  
14 you an example.

15 Q. Please.

16 A. If perhaps, let's say, a case was  
17 ready for an income execution, they found a  
18 place of business that the person -- that  
19 was valid. And then on Tuesday, we got an  
20 order to show cause in, but we didn't  
21 actually get served with it. Instead, I  
22 appeared in court randomly or a colleague of  
23 mine appeared in court. It showed up on the  
24 calendar, and sure enough there is a  
25 defendant there. And then when I came back

1 R.J. FERRARO

2 and I said, "Look, there is an order to show  
3 cause. We can't send this out," they would  
4 pull it back.

5 Q. I see. Other than something like  
6 that, to your knowledge, does Forster &  
7 Garbus do anything to check to see if a  
8 judgment has been vacated prior to you  
9 signing an income execution, from your own  
10 personal knowledge?

11 A. I wouldn't be able to recall at  
12 this period of time what checks were in  
13 place.

14 Q. At any period of time, to your  
15 personal knowledge, did Forster & Garbus  
16 take any steps to determine whether a  
17 judgment had been vacated prior to you  
18 signing an income execution on that  
19 judgment?

20 MR. FEINMAN: Objection to form.

21 Q. Based on your own personal  
22 knowledge.

23 A. At the very least, I know they get  
24 information from the client if there is a  
25 judgment valid on the case.

1 R.J. FERRARO

2 Q. Anything else?

3 A. Again, it would depend on a  
4 case-by-case basis.

5 Q. But to your personal knowledge,  
6 other than being informed by the client that  
7 there is a judgment, to your personal  
8 knowledge, does Forster & Garbus take any  
9 other steps to determine whether a judgment  
10 has been vacated prior to you signing an  
11 income execution?

12 MR. FEINMAN: Objection to form.

13 Q. To your personal knowledge, do you  
14 know of anything else or not?

15 A. It would depend -- it would have  
16 to depend on a case.

17 Q. Sitting here today, do you have  
18 any personal knowledge of any other steps  
19 Forster & Garbus took before giving you an  
20 income execution to sign to determine  
21 whether the judgment had been vacated?

22 MR. FEINMAN: Objection.

23 Q. Sitting here today, do you have  
24 any personal knowledge?

25 MR. FEINMAN: Objection to form.

1 R.J. FERRARO

2 A. I can't give you personal  
3 knowledge on any -- it depends on the case.  
4 It's too broad of a question.

5 Q. Okay. Sitting here today, can you  
6 think of any time that Forster & Garbus had  
7 reviewed an income execution prior to --  
8 strike that.

9 Sitting here today, can you recall  
10 any time where you knew that Forster &  
11 Garbus had checked to see whether a judgment  
12 had been vacated prior to having you sign an  
13 income execution?

14 MR. FEINMAN: Objection.

15 A. You're asking me about any  
16 particular case, if an additional step was  
17 taken, other than asking the client?

18 Q. Yes. To your knowledge, sitting  
19 here today, can you recall any other step  
20 taken to determine whether a judgment had  
21 been vacated, prior to you signing an income  
22 execution?

23 MR. FEINMAN: Objection to form.

24 And I'm letting the questioning go a  
25 little, but he's here --

1 R.J. FERRARO

2 MR. KESHAVERZ: Go ahead. You can  
3 answer.

4 MR. FEINMAN: You understand the  
5 problem?

6 MR. KESHAVERZ: I understand, but  
7 you can answer the question.

8 Q. If you know, you know; if you  
9 don't know, you don't know. I'm just  
10 asking.

11 A. I understand you're just asking.  
12 I just cannot recall a particular case where  
13 they took a particular step. There always  
14 had to be a trigger.

15 So, for example, if let's say the  
16 defendant was -- had many cases, had  
17 multiple debts and we knew we had three of  
18 them, two of them appeared in court with an  
19 order to show cause, then they would give  
20 pause for maybe that third one; perhaps,  
21 there is an order to show cause coming.

22 Q. Any other examples, other than  
23 that, you can specifically recall?

24 A. If, perhaps, a case was handled by  
25 a prior attorney, we would ask -- depending

1 R.J. FERRARO

2 on the case, if maybe you can look at their  
3 file to confirm at what stage the litigation  
4 is at or if there was a judgment in place.

5 Q. Do you know, from your own  
6 personal knowledge, or not -- if you don't  
7 know, that's fine. I'm just asking if you  
8 know. Do you know if one reason Forster &  
9 Garbus does not track e-Courts prior to  
10 having its attorneys sign income executions,  
11 do you know -- strike that. Let me rephrase  
12 the question.

13 Do you know why Forster & Garbus  
14 does not have its attorneys or anyone else  
15 check on e-Courts on a regular basis to  
16 determine whether a judgment it's executing  
17 on has been vacated?

18 MR. FEINMAN: Objection.

19 Q. Do you know or do you not know?

20 A. As I indicated earlier --  
21 actually, I think I said it specifically --  
22 e-Courts is not an accurate way to check to  
23 see if a case has had a judgment vacated on  
24 it.

25 Q. Sometimes it would show and

1 R.J. FERRARO

2 sometimes it won't?

3 A. It depends on the venue. It  
4 depends on the clerk that day. It depends  
5 on when you look. I've seen cases where I  
6 knew a motion that I filed was submitted or  
7 scheduled to be submitted on December 1st,  
8 and it wouldn't actually reflect it was  
9 submitted until sometime in February, and at  
10 that point the Judge made a decision.  
11 That's why e-Courts is not accurate.

12 Q. To your personal knowledge, is  
13 that the reason that Forster & Garbus does  
14 not check e-Courts prior to you signing  
15 income executions?

16 MR. FEINMAN: Objection to form.

17 A. I'm sure it's part of the  
18 equation.

19 Q. Do you ever think of checking  
20 e-Courts to see if the income execution  
21 you're signing is on a punitive judgment  
22 that, in fact, been vacated?

23 MR. FEINMAN: Objection to form.

24 A. If a case had a judgment on it, it  
25 wouldn't reflect it on e-Courts,

1 R.J. FERRARO

2 necessarily. If the judgment was vacated as  
3 a result of a motion, that's one thing. If  
4 it was vacated as a result of a settlement  
5 stipulation, it would never show up on  
6 e-Courts.

7 (Whereupon, the following document  
8 was marked as Plaintiff's Exhibit 4 for  
9 identification as of this date by the  
10 Reporter.)

11 BY MR. KESHAVARZ:

12 Q. So most of the court appearances  
13 you handled were -- the vast majority were  
14 in New York City, Bronx, or Queens, or one  
15 of the other boroughs? Is that accurate?

16 A. Yes.

17 Q. In order to pull up something on  
18 e-Courts, you just -- you can just type in  
19 the index number, hit "return," and it'll  
20 show you what's on e-Courts, correct?

21 MR. FEINMAN: Objection to form.

22 A. Depending on a venue, yes.

23 Q. But, I mean, the New York City  
24 courts, right?

25 A. If there was a court appearance, I



1 R.J. FERRARO

2 believe it would show up on there,  
3 generally. If there was no appearance, it  
4 may not.

5 Q. So Exhibit No. 4 is -- does that  
6 appear to be the e-Courts Web site printout  
7 for Mr. Callender? Is that what it appears  
8 to be?

9 MR. FEINMAN: Objection.

10 A. I can't authenticate this because  
11 I didn't print it out. To my knowledge,  
12 anytime you're on a New York State e-Courts  
13 Web site, there would be a banner up here  
14 indicating such, and I don't see that here.

15 MR. KESHAVERZ: Do you want to  
16 print this out in color?

17 MS. MOODY: Sure.

18 Q. Looking at the first page,  
19 Callender-47, is that the screen that you  
20 would see when you type in an index number  
21 into e-Courts?

22 MR. FEINMAN: Objection to form.

23 Q. Is that the format of what you  
24 would see?

25 A. You could've typed in any of

1 R.J. FERRARO

2 these. Well, Discover Bank probably would  
3 have too many hits, but if I,  
4 hypothetically, had typed in this index  
5 number, if this is the correct information  
6 from there, this appears to be what it would  
7 look like.

8 Q. This screen that's Exhibit 4, page  
9 47, correct?

10 A. Yes.

11 Q. So how long would it take you to  
12 type in an index number?

13 A. Can't quantify it.

14 Q. How many numbers? Ten digits?  
15 You think it would take you less than  
16 30 seconds to type in ten digits?

17 MR. FEINMAN: Objection.

18 A. To type in the digits themselves,  
19 assuming no interruptions and my Internet is  
20 working, you know, quickly that day,  
21 perhaps.

22 Q. So if there has been an order to  
23 show cause, typically speaking, you would  
24 see the screen that's page 47, and then you  
25 would click to see either "motions" or

1 R.J. FERRARO

2 "showing all appearances," right?

3 MR. FEINMAN: Objection.

4 A. What was I looking for? If I hit  
5 "show all appearances," I would hope that it  
6 would show me whatever all the appearances  
7 were when I'm looking. If I hit "show all  
8 motions" and I click that, I would hope that  
9 it would show me all the motions. But,  
10 again, my experience has been: It's never  
11 accurate. I shouldn't say "never accurate."  
12 It's not reliable.

13 Q. Why is it not reliable?

14 A. As I indicated earlier, you have  
15 people updating these systems, they're  
16 clerks. Sometimes it gets put in right  
17 away; sometimes it doesn't; sometimes the  
18 information is never put in.

19 Q. So one thing, it's inaccurate  
20 because there might be a lag time of a  
21 couple of months between when something  
22 happens and when it gets put into e-Courts,  
23 correct?

24 MR. FEINMAN: Objection.

25 A. The lag time sometimes could be

1 R.J. FERRARO

2 significant, and it could be not at all.

3 Q. You used e-Courts on a regular  
4 basis, right, while you worked at Forster &  
5 Garbus?

6 MR. FEINMAN: Objection to form.

7 A. No.

8 Q. If judgment was vacated, the vast  
9 majority of the time there would be an  
10 e-Courts something showing that there is no  
11 order to show cause to vacate the judgment,  
12 right?

13 MR. FEINMAN: Objection to form.

14 A. Again, it depended on the time and  
15 the venue. It's possible that it would  
16 appear on e-Courts.

17 Q. Well, let's nail this down,  
18 because you were working mostly in New York  
19 City. You signed income executions in New  
20 York City?

21 A. I have in the past signed income  
22 executions in the five boroughs.

23 Q. And most of the income executions  
24 you signed at Forster & Garbus was in New  
25 York City?

1 R.J. FERRARO

2 A. I can't quantify it.

3 Q. You don't know if most of them  
4 were in New York City?

5 MR. FEINMAN: Objection to form.

6 A. You're asking me to take a guess.  
7 There are 62 counties in the state.

8 Q. Yeah, I know, but there are  
9 17 million people living in New York.

10 You don't remember, you have no  
11 idea whatsoever most of the cases --

12 MR. FEINMAN: Objection.

13 A. I would only be taking a guess.

14 MR. FEINMAN: Objection to form.

15 If you're done with the question, then  
16 objection to form.

17 Q. You have no idea whether the  
18 majority of income executions you were  
19 signing were from New York City? You have  
20 no idea whatsoever; is that right?

21 MR. FEINMAN: Objection to form.

22 A. I would only be taking a guess.

23 Q. You have no idea, right?

24 MR. FEINMAN: Objection to form.

25 A. I think we've gone over this. I'd

1 R.J. FERRARO

2 only be taking a guess. I'm not going to  
3 take a guess.

4 Q. You don't know if it's most of  
5 them or not?

6 MR. FEINMAN: Objection to form.

7 A. No.

8 Q. Okay. If that's your testimony,  
9 that's your testimony.

10 MR. FEINMAN: Objection to form to  
11 the extent that's a question.

12 Q. So let's talk about venue. Are  
13 you saying that if an income execution --  
14 strike that.

15 An order to show cause, let's say,  
16 was filed a year ago, in New York City, five  
17 boroughs. The majority -- that would  
18 usually be reflected on e-Courts, right --

19 MR. FEINMAN: Objection.

20 Q. -- that an order to show cause has  
21 been filed?

22 A. Sometimes.

23 Q. Isn't that typically true?

24 MR. FEINMAN: Objection to form.

25 A. Again, my experience has been it's

1 R.J. FERRARO

2 not always true.

3 Q. I didn't ask you if it was always  
4 true. My question is -- you try to narrow  
5 it down by venue, by time.

6 Let me just ask you: If a case is  
7 in New York City, if an order to show cause  
8 had been filed more than six months ago,  
9 isn't that usually reflected on e-Courts?

10 MR. FEINMAN: Objection to form.

11 A. We're going in circles, because  
12 you want to break it down as a generality.  
13 It's not. If you've been to Staten Island,  
14 if you've been to Brooklyn, Manhattan,  
15 Bronx, and Queens, they all operate  
16 differently. The way things are updated are  
17 totally different, from the judges' markings  
18 to the way the calendar is called. So the  
19 way e-Courts is updated is not uniformed.

20 Q. So? That wasn't my question. The  
21 question wasn't if it's updated or  
22 uniformed. My question is this --

23 A. And I've indicated to you, it's  
24 possible.

25 Q. Most of the time, in New York

1 R.J. FERRARO

2 City, when it's a motion to vacate a  
3 judgment or to show cause to vacate, most of  
4 the time -- so long as the order to show  
5 cause was filed more than six months ago,  
6 most of the time that's reflected on  
7 e-Courts, right?

8 MR. FEINMAN: Objection to the  
9 form of the question.

10 A. I think most likely it'll show a  
11 motion was filed by a defendant or a motion  
12 was filed by a plaintiff. It doesn't always  
13 say the relief. It doesn't always say the  
14 result.

15 Q. Yeah. But, typically, it shows  
16 that the order to show cause has been filed,  
17 right?

18 MR. FEINMAN: Objection to form.

19 A. If we're going to say "typically,"  
20 what it typically would show, would be the  
21 motion was filed. That's the only thing I  
22 can say with certainty is most likely to  
23 appear.

24 Q. Well, if you were going to take  
25 someone's wages away and you knew that



1 R.J. FERRARO

2 e-Courts said that there was an order to  
3 show cause to vacate the judgment, would you  
4 take any steps before taking some of the  
5 wages, or would you sign that income  
6 execution?

7 MR. FEINMAN: Objection to form.

8 A. I'm going to ask you to rephrase.

9 MR. KESHAVARZ: You can read the  
10 question.

11 (Whereupon, the referred-to  
12 question was read back by the  
13 Reporter.)

14 THE WITNESS: Your question is  
15 still too broad.

16 BY MR. KESHAVARZ:

17 Q. In what way?

18 A. If I knew with absolute certainty  
19 that a judgment was vacated on a case, this  
20 income execution would've never come to me  
21 to be signed.

22 MR. FEINMAN: I'd just like my  
23 objection to run through, because he  
24 has not rephrased the question.

25 Q. My question was a little

1 R.J. FERRARO

2 different. You know, when you garnish  
3 someone's wages, that's pretty serious,  
4 right? These people live under wages,  
5 right?

6 MR. FEINMAN: Objection to form.

7 A. Yes.

8 Q. So if you take 10 percent of  
9 someone's wages over, what, 30 hours minimum  
10 wage, that could make a difference between  
11 someone paying their rent or paying their  
12 food or paying their hospital bills or not,  
13 right?

14 MR. FEINMAN: Objection to form.

15 A. Yes.

16 Q. All right. So before you take  
17 away someone's wages that they might need to  
18 pay their rent or groceries or medicine, if  
19 you saw on e-Courts that there was an order  
20 to show cause that was filed, would you take  
21 any other steps to determine whether the  
22 judgment has been executed, or would you  
23 just sign that income execution?

24 MR. FEINMAN: Objection to form.

25 A. If someone presented me with

1 R.J. FERRARO

2 information that someone filed a motion and  
3 a judgment was vacated, we would take an  
4 additional step to take a look and see what  
5 the results were.

6 Q. That wasn't my question.

7 MR. KESHAVARZ: Re-read my  
8 question, please.

9 (Whereupon, the referred-to  
10 question was read back by the  
11 Reporter.)

12 Q. Let me rephrase the question. Let  
13 me restate the question. It's a yes-or-no  
14 question.

15 MR. FEINMAN: Objection to form.

16 Q. Yes or no. Before you sign an  
17 income execution -- strike that.

18 Let me ask you a yes-or-no  
19 question. If you saw on e-Courts that there  
20 was an order to show cause filed to vacate  
21 the judgment, would you take any other steps  
22 to determine --

23 A. Yes.

24 Q. You have to wait until I finish  
25 the question.

1 R.J. FERRARO

2 If you saw on e-Courts that there  
3 was order to show cause to vacate a  
4 judgment, would you take any other steps to  
5 determine whether the judgment had been  
6 vacated before signing an income execution  
7 that could take away people's money that  
8 they need for their rent or food or  
9 medicine?

10 MR. FEINMAN: Objection to form.

11 A. Yes.

12 Q. What steps would you take?

13 MR. FEINMAN: Objection to form.

14 A. Well, again, I would probably --  
15 the easiest way to do it would be to see  
16 when it was filed and when it was  
17 returnable. Perhaps, ask the colleague,  
18 because most of our colleagues do go to  
19 court, to see if they appeared on this case.  
20 Something like that would take place if  
21 someone presented me with this e-Courts and  
22 said, "An order to show cause to vacate a  
23 judgment has been filed."

24 Q. If you check to see the first page  
25 of Exhibit 4 and then you saw that there was

1 R.J. FERRARO

2 an order to show cause that was filed, by  
3 clicking through, would you -- strike that.  
4 Let's just take a break.

5 (Whereupon, a short recess was  
6 taken from 4:25 p.m. to 4:31 p.m.)

7 BY MR. KESHAVARZ:

8 Q. We talked about checking on  
9 e-Courts to determine whether there has been  
10 an order to show cause to vacate a judgment.  
11 Do you remember that testimony?

12 A. Yeah.

13 Q. And putting aside the issue of  
14 timing, you know, whether the order to show  
15 cause has been filed this month or last  
16 month. Put that issue aside for a second.

17 If an order to show cause had been  
18 filed, e-Courts would normally show that, at  
19 least, the order to show cause had been  
20 filed, right?

21 A. No.

22 Q. It wouldn't usually show that?

23 MR. FEINMAN: Objection.

24 MR. KESHAVARZ: Go ahead. You can  
25 answer.

1 R.J. FERRARO

2 Wait. Wait.

3 MR. FEINMAN: No, no. Excuse me.

4 You have to let me get my objection  
5 out.

6 MR. KESHAVARZ: No. You say  
7 objection to form. You can't do  
8 anything beyond that.

9 MR. FEINMAN: Right. So when I go  
10 to object, you cannot hold up your  
11 finger and say "excuse me." You have  
12 to let me get my objection on the  
13 record.

14 MR. KESHAVARZ: Objection to form.  
15 Okay. Go ahead. You can answer the  
16 question.

17 Q. So my question is: Are you saying  
18 you're disputing that the vast majority of  
19 the time when someone files an order to show  
20 cause, that order to show cause filing would  
21 be reflected on e-Courts? Is that your  
22 sworn testimony?

23 MR. FEINMAN: Objection to form.

24 A. I'm saying that if someone were to  
25 file a motion, that it could be reflected on

1 R.J. FERRARO

2 e-Courts but it's not always the case.

3 Q. Let me ask you the other way  
4 around: The vast majority -- if you wanted  
5 to find out whether an order to show cause  
6 has been filed in a case, the first thing  
7 you would do is check e-Courts, right?

8 MR. FEINMAN: Objection to form.

9 A. There would be nothing that  
10 randomly would happen that would -- I mean,  
11 I don't just take random stock of e-Courts  
12 and say, "I wonder if there is a case where  
13 a judgment has been vacated on," and go to  
14 e-Courts.

15 Q. That wasn't my question. My  
16 question is: If you wanted to check to see  
17 if an order to show cause has been filed to  
18 vacate a judgment on a case, the first thing  
19 you would do is check on e-Courts, right?

20 MR. FEINMAN: Objection to form.

21 A. No.

22 Q. Really?

23 MR. FEINMAN: Objection to form.

24 Q. What would you do?

25 A. Well, first, I'd go to my case

1 R.J. FERRARO

2 file and see if we received a motion in the  
3 mail.

4 Q. What's the next thing you would  
5 do?

6 A. It depends on the results of that.  
7 If the motion had been received, I would  
8 take a look, find out if it was calendared  
9 and go from there. If the motion had not  
10 been received, then, perhaps, I would  
11 contact the court and see if it was actually  
12 filed and when it's scheduled for.

13 Q. Okay. You'd do all of that  
14 instead of checking on e-Courts, right?

15 MR. FEINMAN: Objection to form.

16 A. Probably.

17 Q. Why is that?

18 A. My responsibility is not to check  
19 e-Courts for every case. That's what the  
20 calendar person would do.

21 Q. Who is the calendar person?

22 A. The person that manages our  
23 calendar, updating when appearances are, who  
24 is going where, et cetera, et cetera.

25 It's not my responsibility to



1 R.J. FERRARO

2 randomly check e-Courts to see what's going  
3 on on every case we have in the office.

4 Q. That wasn't my question. My  
5 question is: If you're trying to find out  
6 whether there has been an order to show  
7 cause filed in the case, in any case, where  
8 you're signing an income execution, the  
9 first thing you would do is check e-Courts,  
10 right?

11 MR. FEINMAN: Objection to form.

12 A. No. We already went over that. I  
13 wouldn't check e-Courts first. I would  
14 check my file and see if we received  
15 anything. If we hadn't received anything,  
16 again, I would, perhaps, contact the court  
17 if there was information that there might've  
18 been a motion filed.

19 Q. Do you know if any of the income  
20 executions you're signing are to collect on  
21 judgments that were obtained by a firm other  
22 than Forster & Garbus?

23 A. If a judgment was obtained by  
24 another firm and they gave us the  
25 information that a judgment was entered and

1 R.J. FERRARO  
2 valid in the case, then this income  
3 execution would come to my desk and I can  
4 sign it, because we haven't been given that  
5 information. If there has been a judgment,  
6 let's say, from another firm and that  
7 judgment was vacated and they knew about it  
8 and we knew about it, this would've never  
9 come to my desk.

10 Q. If that's your sworn testimony, it  
11 is.

12 MR. FEINMAN: Nothing further from  
13 me.

14 MR. KESHAVARZ: I appreciate your  
15 time.

16 (Whereupon, at 4:36 p.m., the  
17 examination of this witness was  
18 concluded.)

19  
20 \_\_\_\_\_  
RONALD J. FERRARO

21 Subscribed and sworn to before me  
22 this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

23  
24 \_\_\_\_\_  
NOTARY PUBLIC  
25

1 R.J. FERRARO

2 E X H I B I T S

3

4 PLAINTIFF(S) EXHIBITS:

5 EXHIBIT EXHIBIT

6 NUMBER DESCRIPTION PAGE

7 1 Subpoena 6

8 2 LinkedIn résumé 18

9 3 Income Execution 30

10 4 e-Courts Web site printout  
11 for Mr. Callender 56

12 (Exhibits retained by Counsel.)

13

14 I N D E X

15 EXAMINATION BY PAGE

16 MR. KESHAVARZ 4

17

18

19 INFORMATION AND/OR DOCUMENTS REQUESTED

20 N O N E

21

22

23 QUESTIONS MARKED FOR RULINGS

24 N O N E

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R.J. FERRARO

C E R T I F I C A T E

STATE OF NEW YORK     )  
                                      :   SS.:  
COUNTY OF KINGS       )

I, ANNA VORTSMAN, a Notary Public for  
and within the State of New York, do hereby  
certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and  
that such examination is a true record of  
the testimony given by that witness.

I further certify that I am not related  
to any of the parties to this action by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 4th day of November, 2016.



ANNA VORTSMAN